



STEFAN I. MYCHAJLIW
ERIE COUNTY COMPTROLLER

December 1, 2021

Attorney General Letitia James
Office of the Attorney General
The Capitol
Albany, New York 12224-0341

Department of Justice
Western District of New York
138 Delaware Avenue
Buffalo, New York 14202

Dear Law Enforcement Officials:

The Office of the Erie County Comptroller offers a “whistleblower hotline” with which the public can report waste, fraud and/or abuse to our office for investigation or referral to a proper authority. Recently, we received such a complaint which alleges criminal activity, which would best be handled by law enforcement. However, the subject of the complaint would tend to create an appearance of impropriety if addressed by a county agency, thus conflicting out local enforcement agencies.

The whistleblower stated that an employee of the Department of Parks, Recreation and Forestry was identified as reporting hours worked, without actually performing the tasks associated with his job. In particular, the whistleblower stated that the employee was assigned to answer a complaint hotline regarding park conditions and refer the complaint to workers who would then address the problem. However, while the employee was claiming and paid for time, he did not complete or even attempt his sole task. The employee in question is the nephew of the current County Executive.

The whistleblower claims that because the malfeasance was widely known within the department, the employee was ultimately brought up on disciplinary charges. However, the charges he was brought up on did not match the violation/crime that allegedly occurred. In particular, the charges brought against the employee were that he did not report to work and did not properly request time off.

This is different than what the whistleblower stated happened, which is that the employee claimed that he worked and was paid for such work, even though the work did not actually occur. The whistleblower believes that the charges brought against the employee were crafted to provide the cover for the Department of Parks, Recreation and Forestry and the Department of Personnel that action was taken without addressing the far more serious events that actually occurred.

At the same time, the action protected the nephew of the County Executive, who is the ultimate supervisor of the Commissioners of the departments involved, from more serious charges and public scrutiny.

The whistleblower is concerned that a possible larceny or embezzlement of public funds occurred for which the employee is not being punished and the county is not being reimbursed. Given the New York Penal Law section 155.05 prohibition of an individual to take the county's money by trick, embezzlement or obtaining property by false pretenses, which would seem to correspond to a fact pattern in which an employee falsely claims compensation for time worked, because work did not actually occur, I forward the matter to you.

The whistleblower asked a number of questions, for which I do not know the answer, but a law enforcement investigation may provide insight to. These questions include:

- Why did the charges brought against the employee not match the events that actually occurred?
- Who made the decision to bring the charges in this manner and why?
- Why was the employee not required to reimburse the county for payments received for work that was not actually performed?
- Have adjustments been made to correct future New York State pension system impacts?
- If the employee was not made to repay allegedly ill-begotten wages, would this be a gift of public funds for which the legislature would have to approve?

As stated above, I feel that you are best equipped to investigate this matter and secure answers to these questions. The circumstances surrounding this whistleblower complaint would have the appearance of impropriety if investigated by local authorities.

Thank you for your assistance in this matter. Please contact me if I can be of further assistance.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Stefan', followed by a long, sweeping horizontal line.

Stefan I. Mychajliw, Jr.
Erie County Comptroller

cc: New York State Comptroller Thomas DiNapoli
Erie County District Attorney John Flynn